

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JAMES ERIC LOFTEN
TDCJ-CID #616132,
Plaintiff,

v.

UNITED STATES GOVERNMENT, et al.,
Defendant.

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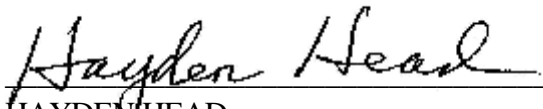
C.A. NO. C-05-191

**MEMORANDUM OPINION ORDER DENYING PLAINTIFF'S MOTION FOR NEW
TRIAL AND MOTION FOR RECUSAL**

On September 15, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 21). The United States Magistrate Judge filed and additional Memorandum and Recommendation on January 13, 2006 (D.E. 27). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, plaintiff's Motion for a New Trial and Motion for Recusal (D.E. 26) are DENIED. In addition, plaintiff's complaint is DISMISSED without prejudice for want of prosecution. Fed. R. Civ. P. 41(b)

ORDERED this 31st day of January, 2006.



HAYDEN HEAD
CHIEF JUDGE